

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

MELISSA SUE CARNER and
DENNIS RAY CARNER,

Debtors.

ORDER DENYING DEBTORS'
MOTION FOR RELIEF FROM
ORDER OF DISMISSAL

BKY 10-50705

At Duluth, Minnesota
June 15, 2010

The Debtors in this Chapter 7 case, acting *pro se* (without representation by an attorney), commenced it via a petition filed on May 18, 2010. An order upon partial case filing was entered on that date, because the Debtors had not submitted full income records as required under statute. On May 24, 2010, the Court denied the Debtors' application for waiver of the filing fee. The Debtors were required to pay the fee in full (\$299.00) by June 3, 2010.

The Debtors submitted additional income records on June 2, 2010, but the submission did not complete the statutory requirement.

On June 4, 2010, this case was dismissed for the Debtors' failure to pay the filing fee. On June 7, 2010, the clerk received, from the Debtors, a money order in the amount of \$150.00; an application to pay the filing fee in installments; and a request for "reconsideration" on the application for waiver of the filing fee. The clerk returned these documents, with an advisory that the case had been dismissed on June 4, which mooted the question of payment of a filing fee.

On June 14, 2010, the clerk received a document from the Debtors, purporting to be a motion for relief from the order of dismissal, so as to reinstate this case.

The order dismissing this case was a final order of this Court. FED. R. BANKR. P. 9024 and various local rules of this Court required the Debtors to submit that motion in proper form, with various supporting attachments, after obtaining a date for hearing and after notice of the motion and the hearing was given to all creditors in the case. The Debtors did not comply with a

NOTICE OF ELECTRONIC ENTRY AND FILING ORDER OR JUDGMENT Filed and Docket Entry made on 06/15/2010 Lori Vosejka, Clerk, By JRB, Deputy Clerk

single one of these requirements. Their request to reinstate this case is not properly before the Court. Enough time has lapsed since their original filing that reversing the dismissal on a proper motion would cause confusion over parties' rights and responsibilities, and problems with administering the case.

IT IS THEREFORE ORDERED that the Debtors' request for relief from the order of June 4, 2010 that dismissed this case, is denied, *with prejudice*.

BY THE COURT:

/s/ Gregory F. Kishel

GREGORY F. KISHEL
UNITED STATES BANKRUPTCY JUDGE